

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 71

Lagos—13th September, 2013

Vol. 100

Government Notice No. 166

The following is published as Supplement to this *Gazette* :

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Printed and Published by The Federal Government Printer, Lagos, Nigeria.

FGP 108/102013/650 (OL 79)

Annual Subscription from 1st January, 2013 is Local : ₦25,500.00 Overseas : ₦37,500.00 [Surface Mail] ₦49,500.00 [Second Class Air Mail]. Present issue ₦1,500.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

THE HISTORY OF THE CITY OF BOSTON

1875

1875

1875

1875

**FEDERAL HIGHWAYS ACT
(CAP F13 LFN, 2004)**

**FEDERAL HIGHWAYS (USE OF RIGHT OF WAY, CONTROL AND
PROHIBITION OF ADVERTISING) REGULATIONS, 2013**



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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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S. I. No. 22 of 2013

**FEDERAL HIGHWAYS ACT
(CAP F13 LFN, 2004)**

**FEDERAL HIGHWAYS (USE OF RIGHT OF WAY, CONTROL AND
PROHIBITION OF ADVERTISING) REGULATIONS, 2013**

In exercise of the powers conferred on me by section 1 of the Control of Advertisement (Federal Highways) Act, Cap. C26 and section 27 of the Federal Highways Act, Cap F 13, Laws of the Federation of Nigeria, 2004 ; and all other powers enabling me in that behalf, I, ARCHITECT MIKE OZIEGBE ONOLEMEMEN, Minister of Works, make the following Regulations—

[6th Day of September, 2013]

Commence-
ment.

PART I—CONTROL OF THE USE OF RIGHT OF WAY

1. The purpose of these Regulations is to provide for the control by the Federal Ministry of Works (in these Regulations referred to as “the Ministry”) of the use, management and supervision of Federal Highways in respect of ground declared by regulation 2 of the Federal Highways (Building Lines) Regulations, 1971 being ground within 45.72 metres of the centre line of any Federal Highway (referred to and known as “the Right of Way”).

Use of Right
of Way.

2. The use, control and management of the Federal Highways shall remain under the authority of the Minister in charge of Federal highways and bridges.

Control and
Management.

3. The Ministry may design, develop, construct, build, remove or alter any structure on a Right of Way for the purpose of use, control and management of the Federal Highways and the supervision of road users.

Power to
Design and
Develop
Structures on
a Right of
Way.

4.—(1) The Ministry shall in the exercise of its powers over a Right of Way, receive applications or requests from any person for the purpose of entering into concession contracts or similar agreements for the construction or use of any facility on a Right of Way.

Application
or Requests.

(2) An application for the use of a Right of Way on any Federal highway or bridge for—

- (a) outdoor advertising ;
- (b) laying of optic fibre for telecommunication purposes ;
- (c) siting of telecommunication masts and base stations ;
- (d) development of trailer parks and garages ; and
- (e) for any other use on a Federal Highway or bridge within the Right of Way,

shall be made to the Office of the Minister in charge of Federal highways or bridges.

(3) An applicant shall be given guidelines applicable to the purpose for which the application relates.

Fees for use of Right of Way.

5.—(1) The Ministry shall charge such fees as may be prescribed by it from time to time for the approval of applications or requests and may prescribe other conditions for the sharing of revenue derived from the use of and operations of any Right of Way by investors.

(2) The Ministry may charge fees for the use of facilities provided by it within a Right of Way.

PART II—CONTROL AND PROHIBITION OF ADVERTISEMENT

Prohibition of Advertisements on Federal Highways.

6. A person shall not display or erect an advertisement on any Federal Highway without the approval of the Minister.

Application to erect Advertisements.

7.—(1) Where an outdoor advertising agency requires to erect any hoardings or other forms of boards within a Right of Way, the advertising agency shall apply to the Minister for approval.

(2) The application shall contain the height and breadth of the hoarding, boards or panels to be installed.

Documents to be attached to applications.

8. The following documents shall be attached to the application made to the Minister for advertising installations—

(a) a letter of confirmation of membership by the Outdoor Advertising Association of Nigeria or any other body as may be approved by the relevant authority from time to time ;

(b) certified Engineering designs and details of supporting infrastructure in cases of large installations such as spectacular boards, towers, bulletin or any installation with total surface area exceeding 30 square metres ;

(c) proposals for landscaping or beautification of the installation environment and where necessary, proposals for waste management and other improvements essential to specific sites as may be requested by the Ministry ;

(d) an undertaking that the installation shall not constitute any harm, cause any damage or danger to road users or persons within the vicinity, road infrastructure, and to the environment ; and

(e) any other documents as may be required from time to time by the Ministry.

Communication of approval.

9.—(1) The Ministry shall communicate its approval or refusal of an application to an applicant in writing within 30 days after joint inspection by the officers of the Ministry and the applicant.

(2) Where an application is refused, the Ministry shall inform the applicant in writing giving reasons for the refusal.

10. The Ministry shall regulate the size, colour, height, location and spacing of advertising installations in accordance with the following—

Installation, size, location and spacing.

(a) installations shall have a display surface not exceeding 75m² (15m x 5m) and a maximum ground clearance of 15 metres and where the installation is closed to an overhead bridge it shall not exceed 108m² (18m x 6m) ;

(b) installation, except tower Billboards, along Federal Highways, shall have a minimum setback of 5 metres from the drainage ;

(c) the height of giant advert installations shall be restricted in special areas such as airport surroundings, priority cross – junctions and such other areas as shall be determined by the approving authority to be unsafe ;

(d) the minimum distance permissible between any two lower Billboards shall be 500 metres while the permissible distance between the other advert installation shall be as may be determined by the Ministry ; and

(e) panels hung on overhead bridges shall not extend as to diminish the headroom of such bridges or totally obstruct visibility of the pedestrians moving on the footbridge.

11. Approvals for the use of a Right of Way for the purpose of advertising installations where granted shall be valid for three years in the first instance and subject to renewal by the Ministry.

Duration of approval.

12.—(1) In areas with flyover bridges with more than two loops, only one tower Billboard shall be allowed.

Construction within bridges, loops and junctions.

(2) A spectacular Billboard shall not be allowed at central divides road junctions, and merging and diversifying junctions.

(3) 40 sheet or 48 sheet Billboards installed on a dual carriage median shall have 50metres on either side cleared regularly of obtrusive vegetation by the developer.

(4) A Billboard shall be erected so as not to obstruct the view of road users.

(5) A Billboard shall be safely displayed and kept clean by the developer.

13.—(1) The Ministry shall charge such fees as may be determined by it from time to time for the grant of approvals to erect advertising installations along Federal Highways.

Fees for advertising installations.

(2) The Ministry shall charge annual rents on advertising installations and charge such other fees as considered appropriate from time to time.

14.—(1) A set of approved plans shall be kept on site during construction.

Construction of Billboards.

(2) Construction of a Billboard shall commence within 30 days of the grant of a permit under the supervision of the Ministry.

15. The Ministry shall monitor and ensure strict compliance with the provisions of these Regulations.

Monitoring.

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Specific conditions for the various types of Billboards.

Existing Billboards.

16. The Ministry may in consultation with the Outdoor Advertising Association of Nigeria provide detailed specifications for the erection or installation of various types of Billboards along Federal Highways.

17. Where a person has erected a Billboard along a Federal Highway prior to the commencement of these Regulations, he shall within 30 days of the coming into effect of these Regulations submit to the Ministry a list of all the Billboards erected by him on a State by State basis for the consideration by the Ministry of the grant or otherwise of an approval in accordance with the provisions of these Regulations.

PART III—OFFENCES AND PENALTIES

Penalties.

18.—(1) A person who contravenes any of the provisions of these Regulations commits an offence and liable on conviction to a term of imprisonment for a period not exceeding 18 months or to a fine of Five Hundred Thousand Naira or to both fine and imprisonment.

(2) Where a corporate body is the offender, every principal officer of the company may be held liable for the acts of the company.

PART IV—MISCELLANEOUS PROVISIONS

Revocation of the Federal Highways (Use of Right of Way, Control and Prohibition of Advertising) Regulations, 2005.

19. The Federal Highways (Use of Right of Way, Control and Prohibition of Advertising) Regulations, 2005 is revoked.

Interpretation.

20. In these Regulations—

“*Billboard*” means a structure erected or installed to display a message to the public ;

“*days*” means working days ;

“*development*” includes the bold placing of free-standing erections used for the display of advertisement on land ;

“*developer*” means a person who has been granted approval to develop.

Citation.

21. These Regulations may be cited as the Federal Highways (Use of Right of Way, Control and Prohibition of Advertising) Regulations, 2013.

MADE at Abuja this 6th day of September, 2013.

ARCHITECT MIKE OZIEGBE ONOLEMEMEN, FNIA, FNIM,
Minister of Works
Federal Ministry of Works

EXPLANATORY NOTE

*(This note does not form part of these Regulations
but is intended to explain its purport)*

These Regulations provide for the control, management, supervision and use of Right of Way on Federal Highways and the control and prohibition of advertising on Federal Highways.

